

NOTICE OF OPEN MEETING

AMENDED AGENDA

6th Meeting

DATE: Tuesday, April 28, 2015

TIME: 9:00 a.m.

PLACE: Rhode Island Ethics Commission

Hearing Room - 8th Floor

40 Fountain Street

Providence, RI 02903

1. Motion to approve minutes of Open Session held on April 14, 2015.

2. Advisory Opinions:

a.) Michele H. Kazarian, Esq., the Probate Judge for the City of East Providence, a municipal appointed position, who also works part-time as an attorney for the Rhode Island General Assembly, a state employee position, requests an advisory opinion regarding whether the Code of Ethics prohibits: (1) her participation in matters before

the East Providence Probate Court in which a current or former employee or member of the General Assembly is the attorney of record; and (2) her political activity for various state and local candidates.

b.) Erin Dube, a member of the Pawtucket School Committee, requests an advisory opinion regarding how the Code of Ethics restricts her participation in certain School Committee matters, given that her sister-in-law is a teacher at one of the public schools in Pawtucket and is also a member of the Pawtucket Teachers' Union.

c.) Robert Kempenaar, II, a member of the Middletown Town Council, requests an advisory opinion regarding whether he qualifies for a hardship exception to the Code of Ethics' prohibition on representing himself before municipal boards over which the Middletown Town Council has appointing authority, the Middletown Zoning Board and the Middletown Planning Board, in order to bring a motel that he owns and operates into compliance with brand specifications.

d.) Lisa A. DiBello, a former member of the Charlestown Town Council, requests an advisory opinion regarding whether she may, within one year of leaving the Town Council, apply to the Town of Charlestown to be employed as its Director of Parks & Recreation.

3. Legislative Update: Review and discussion of pending legislation, and of the Commission's position on same, including:

a.) Joint Resolution S 0056: A resolution "to approve and publish and submit to the electors a proposition of amendment to the Constitution of the State (Ethics Commission)." This resolution would amend both the Ethics Clause and the Speech in Debate Clause of the Rhode Island Constitution to clarify that the Ethics Commission has the authority and jurisdiction to investigate and adjudicate a legislator's alleged violations of the Code of Ethics that involve core legislative acts.

b.) Joint Resolution S 0173. A resolution "to approve and publish and submit to the electors a proposition of amendment to the Constitution of the State (Ethics Commission)." This resolution would amend both the Ethics Amendment and the Speech in Debate Clause of the Rhode Island Constitution to clarify that the Ethics Commission has the authority and jurisdiction to investigate and adjudicate a legislator's alleged violations of the Code of Ethics that involve core legislative acts. However, unlike the joint resolutions set forth above in subsection (a) of this Legislative Update, this resolution would also (1) provide speech in debate immunity when a legislator discusses or debates, whether verbally or in writing, any matter within his or her core legislative duties; (2) provide for a right to a trial de novo in court to any person against whom the Ethics Commission finds in violation of the Code of Ethics; and (3) change the composition of the Ethics Commission from nine (9) to (11) members so that the Senate has parity with the House in the nomination of Commission members

to the Governor.

4. Director's Report:

a.) Docket Status Update.

5. Motion to go into Executive Session, to wit:

a.) Motion to approve minutes of Executive Session held on April 14, 2015.

b.) In re: Dawson T. Hodgson, Complaint No. 2014-14, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).

c.) In re: Joseph J. Nicholson, Complaint No. 2015-1, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).

d.) In re: Joseph J. Nicholson, Complaint No. 2015-2, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).

e.) Motion to return to Open Session.

6. Motion to seal minutes of Executive Session held on April 28, 2015.

7. Report on actions taken in Executive Session.

8. New Business proposed for future Commission agendas and general comments from the Commission.

9. Adjournment.

ANYONE WISHING TO ATTEND THIS MEETING WHO MAY HAVE SPECIAL NEEDS FOR ACCESS OR SERVICES SUCH AS A SIGN LANGUAGE INTERPRETER, PLEASE CONTACT THE COMMISSION BY TELEPHONE AT 222-3790, 48 HOURS IN ADVANCE OF THE SCHEDULED MEETING. THE COMMISSION ALSO MAY BE CONTACTED THROUGH RHODE ISLAND RELAY, A TELECOMMUNICATIONS RELAY SERVICE, AT 1-800-RI5-5555.

Posted on April 24, 2015